SPEECH

OF

# HON. JESSE D. BRIGHT, OF INDIANA,

ON THE BILL FOR

# THE ADMISSION OF KANSAS AS A STATE.

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DELIVERED IN THE UNITED STATES SENATE, MARCH 20, 1858.

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# SPEECH.

Mr. President: The constitution of Kansas, with all the circumstances, it is believed, directly or remotely connected with its formation, being now before us, the question is: Shall the Territory be admitted as a State, under that instrument?

Undoubtedly it is the policy of the government that her Territories should be converted into States as rapidly as a due regard to the welfare of their inhabitants will permit. This is alike the interest of both—of the general government on the one hand, to be relieved from the local maintenance of the Territories; and of the Territories, on the other, to be relieved from that interference of Congress which must unavoidably continue to exist, to a greater or less extent, so long as they remain in their condition of dependency. Whilst a Territory is in its infancy, unable through weakness—a paucity of inhabitants, sparsely settled, and of very limited means—to sustain itself, the propriety of extending over it the paternal care of the general government must readily be admitted; but, whenever it has acquired sufficiency of strength to bear the burden of its own support, it is due to the rest of the community to be relieved from it. Each State of the Union, under our system of government, has to maintain its own local organization, and why not the Territories, whenever they possess the ability? The only means by which this can be accomplished—the only way which has hitherto been devised of transferring the sustenance of the Territory from the common to the local treasury, where it more properly belongs, is by admitting it into the Union as a State. What the exact expense of maintaining our Territories is it is not necessary to inquire. We know, however, that it must be very considerable; and that whatever it is, it is defrayed out of the national treasury of the States, whilst the States in addition have to sustain the charges of their own separate organizations. It is but right that every community should bear the burden of its own support, and whenever a Territory, by the strength of its numbers, has acquired that ability, its inhabitants should not only be permitted to form their own separate government, but if they refuse, should be coerced into the measure by all fair and just appliances known to the Constitution. The States have an interest in this, which it is their right and their duty to protect.

But there are higher and nobler considerations than mere pecuniary ones involved in the creation of new States. The addition of a State is an addition to the strength and stability of the Union, riveting more firmly the bonds that make us one people and giving us increased consequence, which is power in the eyes of other nations. Of the

policy of admitting new States, or of adding them as rapidly as possible, there surely cannot exist two opinions. The general policy, therefore, being in favor of the admission of Kansas, the inquiry arises, what valid objection can be urged against it? The principal one presented is, that the constitution before us was not, after its formation, submitted as an entirety to a vote of the people, for their ratification or rejection.

I have always favored, Mr. President, the doctrine of non-intervention. From the time of its first enunciation by that eminent statesman now at the head of the State Department, up to the present hour, it has always found in me a supporter and advocate. Eight years ago, when this chamber was illumined by the light of those great intellects of Kentucky, South Carolina, and Massachusetts, which have since gone out forever, we congratulated ourselves and the country that, by the application of this principle in the acts organizing the Territories of New Mexico and Utah, we had established a practical rule of action for all time to come, in reference to the domestic affairs of the States and Territories, which should command, by its own intrinsic justness, the approbation of the people of every portion of the Union, and should relieve Congress for the future from those angry sectional strifes which, for the previous thirty years, had endangered the peace and perpetuity of the government. The principle is so just itself, so admirably adapted to the spirit and genius of our institutions, that my wonder is it was not earlier adopted, or being adopted that it should have afterwards encountered such violent hostility. Yet, so it was; though it finally received the endorsement of both the great political parties of that day, it met for a time, nay, still meets with the fierce opposition of all that class of men who have been and yet are laboring to impose restrictions upon the free exercise of sovereignty in the Territories.

Of the power of Congress to legislate for the Territories I have never entertained a doubt. *Within the limits* of the Federal Constitution their authority is supreme. Within those limits they possess the same power over the Territories that is exercised by the several States within their respective borders. But power is one thing and the expediency of its exercise another. Whilst Congress, in my judgment, possesses the power, past experience has demonstrated how dangerous it is to the peace and harmony of the Union for Congress to attempt its exercise in reference to the domestic affairs of the Territories. Its inexpediency was shown by the ill blood and bitterness which it generated within these walls and throughout the country. For relief and peace we turned to that rule of non-intervention by which Congress has been since governed, and which has received the decided approbation of a large majority of the American people.

With whatever zeal and energy I possessed, I sustained the principles of the Kansas and Nebraska act. By its provisions I am now ready to stand or fall. It meets no less the approval of my judgment now than when it was first urged upon the consideration of the Senate. I was then and am now ready to leave the people of the Territories free to decide their domestic institutions for themselves. I am as willing that they should select the *mode*, as that they should have the *power*

of decision. If I had thought when I sanctioned the principle that the people of Kansas and Nebraska should be free to decide their domestic institutions for themselves, that I had intervened to prescribe the mode in which that decision should be proclaimed, I should have done more than hesitate. I should have halted before I violated a principle in its very enunciation. Whilst declaring for non-intervention, I should never have been willing to intervene against it. It is just as much an offence against non-intervention that Congress should require one piece of legislation as another. It violates the theory upon which the act was based as much for Congress to prescribe the *manner* in which the constitution should be framed, and the requisites of its efficacy, as that they should require a provision affecting the domestic interests of the Territory to be incorporated in it. The only value of such a principle as runs through the Kansas-Nebraska act is its entire consistency and coherency. If violated, even remotely, its virtue is gone forever. It makes no difference by what instrument the outrage is effected, it matters not whether it be the voice of Jacob or the hand Esau, if the soul of it, the vital principle which sustained it and gave it both beauty and power, is violated. Who ever supposed when the Kansas-Nebraska act was passed that Congress would ever afterwards be troubled with the question as to the mode in which the constitution of Kansas was to be passed? Who believed that it would be cause of offence if it was adopted after the form of approved precedents? If the matter of that constitution accorded with the Constitution of the United States, did we not put ourselves solemnly on the record that we would not intervene against it? Were we then, too, perpetrating what has become so familiar a word of late in the vocabulary of certain senators, "a swindle?" I sent forth the pledge to the country that I would not refuse the constitution of Kansas, unless its provisions were in conflict with the Federal Constitution. That pledge I intend to redeem at all hazards. No objection is made, so far as I can learn, against any provision of that instrument as being contrary to the Constitution of the United States. If there be any such, produce it, and hold it up to public denunciation. If there be none such, let those of us, at least, who said in effect that such should be the only ground of rejection, be silent.

The only complaint made is as to the method of the making. Is there anything in the Constitution of the United States which prescribes the mode in which Territories shall be initiated into the membership of States? If there be any such clause my reading has never shown it to me. If, then, the Federal Constitution does not prescribe the manner in which constitutions shall be made, and if there be nothing in the constitution now presented which is in conflict with the Constitution of the United States, in all sincerity and candor I ask, how can we, who agreed to make that the only test, refuse to admit Kansas into the Union? No law of Congress, no regulation made by the legislative authority of the Union, has been violated or evaded. The properly constituted and legally authorized civil power of Kansas, after full proclamation of its purposes, adopted this constitution in the way in which other constitutions have been adopted, and in the way approved by the philosophy and genius of our govern-

ment. Nay, more: the legislature of Kansas in its procedure took counsel from this body, and framed, both in principle and detail, the act calling the constitutional convention upon the model of the bill of the honorable senator from Georgia, (Mr. Toombs,) which received the decided approval of the Senate. It secured to the *bona fide* inhabitants of Kansas a fair election of delegates. It provided for a registry of the legal voters of the Territory. It did everything that a bill could do to effectuate the purposes that were stamped upon the face of it. Accidental or wrongful omissions by the sheriff could be remedied by the probate judges. There was no legal voter in the entire Territory who could not avail himself of the provisions of that fair and honest act under which the election was held and delegates chosen. No hostile bayonets drove freemen from the polls—no despotism sat there enthroned to dictate the vote. The act of the territorial legislature of Kansas calling the convention has extorted, even from unwilling lips, the commendations of praise. The honorable senator from Illinois (Mr. Douglas) himself uses the following language: "So far as the act of the territorial legislature of Kansas calling this convention was concerned I have always been under the impression that it was fair and just in its provisions. I have always thought the people should have gone together *en masse* and voted for delegates, so that the voice expressed by the convention should have been the unquestioned and united voice of the people of Kansas. I have always thought that those who stayed away from that election stood in their own light, and should have gone and voted, and should have furnished their names to be put on the registered list so as to become voters. I have always held that it was their own fault that they did not thus go and vote; but yet, if they chose, they had a right to stay away."

Under the provisions of the law calling the convention the people of Kansas were left entirely free to form their own domestic institutions. If perverseness and faction there and elsewhere dictated a policy which kept either a minority or majority from the polls, the fault was with the offenders only. Their mouths, at least, are sealed against a complaint. It does not become them to come before the country denouncing an act which, according to their own confession, was performed in their presence, and which, they say, they had the power to prevent. If any outrage was perpetrated it was, according to their own statement, the outrage of a minority in the face of a majority, proceeding quietly to exercise rights which had been conferred by virtue of law. Which of these two classes is entitled to our respect or consideration? Those who, in obedience to law, expressed themselves at the ballot-box, like loyal citizens, or those who stayed away for the known purpose of fomenting a rebellion, whose standard had already been lifted in the Territory? This latter class viewed a legal constitution as a calamity worse than murder and rapine. Topeka was dear to them, because it was illegal. To inaugurate Topeka under the forms of law would be to ignore the very purposes for which Topeka was spoke into existence. To them Topeka was only a darling so long as he was a bastard—the bar sinister endeared him—the proposal to crown him with the honors of legitimacy was worse than a "swindle."

If the adoption under the forms of law of a constitution similar to

that of Topeka had not, in the opinion of the non-voting population of Kansas, been the greatest calamity that could befall the authors of that instrument, and the cause for which it was gotten up, they would have quietly, under the protection of law, voted at the election for delegates to form a constitution. Their first purpose being a determination to keep up anti-slavery agitation, they determined to make every other thing bend to it. Accordingly, they refused to vote, and, in some cases, forcibly prevented the registration ; and now, with a sublimity of impudence which is without a parallel, set up their own perverseness and faction as a reason for defeating the expressed will of the voting population of the Territory.

Nothing, Mr. President, can be clearer to my mind than the proposition that the act of delegates legally elected, and acting within the scope of the powers conferred upon them, is the act of the people themselves. According to the genius and theory of American constitutions, it is entirely immaterial by what majority such delegates are elected, or what number of voters appeared at the polls. The act of the delegate, moving within the authority conferred upon him, is the act not only of those who expressly deputed him, but of those who had the opportunity to do so. It stands as the act of all such until legally set aside or modified by competent authority. This principle is a maxim both of law and political science. The representative idea is the especial boast and glory of our system. It is both its corner and keystone. More than anything else it distinguishes our system from those which have prevailed in other stages of the world's history. It stands midway between despotism and popular caprice. It protects against both. It gives stability and intelligence to government. To it, more than to any other cause, we are indebted for whatever of glory and power have gathered around the American name. Whilst it recognizes and adopts the great principle of democracy that the people are the source and origin of all political power, it so modulates and controls that doctrine as to make it subservient to the purposes of justice and right. Our fathers did not stumble on it by accident. It was no sudden thought even. It was born of wisdom. It was introduced into our State and federal constitutions, and made a practical power there, by men who had studied the past and found out its true teachings. If the domain for which they were framing a system of government had been as narrow in its limits as ancient Attica, they still would have adopted it.

Experience has fully vindicated their sagacity. That they regarded this great principle not only as just but as the only practicable one, is easily seen by even a careless observer. Under the system devised by them majorities were not only represented, but sections and even minorities. Both under federal and State constitutions minorities may have the representative control. The majority never has that control unless it takes care to have itself represented. Sometimes even that control is expressly prevented. Delaware on this floor is made as potential as New York. In the more popular branch even, he who represents the convictions of a majority exceeding five thousand has no more power in the enactment of laws than a colleague who may have succeeded by a majority of one. No majority ever so large can impress itself upon legislation except by first controlling the representa-

tion. No matter how unanimous public sentiment may be, no matter how strongly a conviction may have fastened itself upon the people, they are utterly and entirely powerless for all the purposes of legislation except through the medium of representation. The representative opinion may be in conflict with the popular voice—an overwhelming majority may raise an indignant protest against the expressed legislative will, yet it stands as the controlling law until set aside in accordance with legal forms. He who supposes that the opinions of a majority, even when clearly expressed, necessarily makes the laws, has mistaken the whole theory of our government. That majority, before it can make itself effectual, must fix upon its representative and clothe him with the authority to speak in its behalf at the proper time and place.

Not only is this so, but all of our constitutions and charters, federal, State, and municipal, are based upon the theory, that whenever the people, or any portion of them, have had an opportunity of voting and neglect or refuse to do so, the only fair and proper presumption is that either they have no convictions which they wish to express, or that they acquiesce with those who have voted. This presumption is so absolute that for wise and proper reasons it is not allowed to be contradicted, no matter what may be the facts. A member of the House of Representatives may be returned by a single vote. It would be no argument against his right to a seat that ten thousand men could be found in his district who would have voted against him. In like manner it would be no sort of objection to the validity or force of a law passed by his vote that every man in his district was opposed to its passage.

As far as the federal government is concerned, there is no contrivance known to the Constitution by which the power of making laws of any kind, fundamental or not, can be transferred from the representative to the people. No amount of public sentiment outside the legislative halls can enact such a law. The function of legislation must be performed by the representative, and by him alone. The purpose of our fathers was, on the one hand, to remove legislation as far as practicable from clamor and sudden gusts of passion, and on the other, to preserve that accountability of the representative to the people, which is always sure to secure, sooner or later, the fullest and amplest recognition of popular sentiment. The good sense and sound judgment of the country, I believe, is prepared to sustain this principle, not only in the making of ordinary legislative acts, but in the framing of constitutions. The better opinion now seems to be, that State legislatures cannot refer the propriety of a passage of a law to the vote of the people. My own State has taken decided ground on this question. She was unwilling to let the matter rest upon argument, or judicial decision. She has incorporated a provision in her constitution which expressly prohibits the submission of a proposed law to the vote of the people. She believed that representatives, elected by the people and accountable to them, constituted the only proper body for determining the propriety of legislative acts. She was unwilling even to allow that body to divest itself of that function. She took the effectual means of making sure and fixed the responsibility of the representa-

tive, by fastening upon him a duty from which no power above or below him could relieve him.

If this principle of the submission of important provisions to a direct vote of the people who are to be affected by them grows out of the theories upon which our government has been established, why, then, is it ignored in federal and State constitutions, and by solemn judicial decision? If the principle be so essential, why has it not been authoritatively recognized somewhere? If, as has been claimed, this right of the people to decide directly by what provisions they shall be governed, be a great principle which flows directly from our form of government, why, I ask, has the practice been almost invariably otherwise? The truth is, Mr. President, that this principle so confidently claimed, instead of being salutary, is vicious. It has been so pronounced by those wise men who gave form and vitality to the glorious government under which we are now enjoying privileges and blessings unknown to any other people on earth. The true American idea is, that legislation, whether it be in the ordinary form as enacted by legislatures, or in the establishment of the fundamental law as enunciated by State constitutions, should be fully consummated by men selected by the people for that very purpose. It makes no difference in principle whether the thing which is to be done be the enactment of an ordinary law or the establishment of a constitution. They are both of the same class. They both constitute the law. They both establish a rule of action. The philosophy of one is the philosophy of the other. If there be more solemnity in one procedure than the other, that does not affect the principle. Both regulate the conduct of the citizen, and are to be determined by one and the same reason. In point of fact, ordinary legislative acts are of more moment to the citizen in determining his actions and fixing his responsibilities than mere constitutional provisions. They reach his person and his hearthstone. They define his rights, prescribe his duties, and point out his remedies. Their hand is upon him, asleep or awake. They are above him and around him, his panoply and shield. The nearest as well as the most distant relations of human life are made subject to their power. The rights of property, the sanctities of home, nay, of life and death, are all within their embracing fold. No subject is too high, none too tender, none too minute for their reach. Although such varied and vast interests are confided to legislative bodies, it has only been within a few years past, and then only at rare intervals, that the proposition of submitting a law to the direct vote of the people has been seriously considered. I hold it to be the clearest departure from the wisdom of our fathers which modern days with their new ideas have produced I am proud that my own State has put its emphatic seal of condemnation upon a heresy so noxious.

Whilst I am free, Mr. President, to admit the binding force of State constitutions, I am compelled to say that, for several reasons, their importance in this country has been greatly exaggerated. Constitutions and charters, municipal, provincial or national, in other countries and ages have been concessions wrung by force, or purchased by money, from what was there and then deemed the seat and origin of power. Their importance and value, under such circumstances, could

not be too highly estimated. Like Magna Charta, they stood between the people and usurpation. They were pleaded against wrong and outrage. They were the horns of the altar to which the people clung when ruthless oppression laid the hand of violence upon them. The service which they rendered in behalf of the people fully vindicated their claim to profound reverence. In our country, however, where the people are recognized as the origin and seat of political power; where constitutions flow *from* them, instead of being concessions *to* them; where the remedy for an abuse is in their own hands, to be exercised at any time and in their own way, the case is far different. With us, State constitutions are mere organizations. They are merely pieces of political mechanism—simple contrivances for organizing legislative, judicial, and executive branches. One power is made to lodge in one place, and another resides elsewhere. In their declaration of general principles, they but repeat the common law, which our fathers brought with them, and which would be law without such repetition. So far even as the limitations in them are concerned, they are but restrictions upon the agents of the people, which can be removed or modified at their pleasure. Even against a provision contained in the constitution itself, it can be amended. Wherever the doctrine prevails that all power is lodged with the people, to be exercised by them for their own benefit, such must be the necessary consequence. Where the power to make exists, there also the power to modify exists, if the rights of none others intervene. If royal power could not rightfully abrogate constitutions and charters, it is because the rights of other parties do intervene. In our country, however, there is no other party but the people. They make for themselves, and can unmake. There is no power anywhere to prevent. When the people of a State determine to change their constitution, there is no political body in existence which can interpose. The distinction, in this respect, between our federal and State constitutions is apparent. One is a compact between several parties. Any one can claim the observance of any provision. To a State constitution, however, there is but one party. It is merely a rule of action devised by themselves for themselves alone. There are no obligations in it of which other political bodies can claim the benefit. At the pleasure of the party which made it, it can be unmade. Any provision in it which pretends to take away that power or delay its exercise is impotent against the majesty of the people. I hold it, therefore, Mr. President, as incontrovertible, that the constitution of Kansas now presented, so far as it conflicts with the interests, or even caprices, of the people of that Territory, can be altered at any time and in any way, at their pleasure. Nay, more, I hold that if the proposed constitution be obnoxious to the people of Kansas, the surest and speediest way of securing to Kansas a constitution agreeable to her people would be to admit her to the companionship of States, under the Lecompton constitution, and then leave her as a sovereign power to adjust her own affairs without interference from any quarter. Once admitted into the Union, the contest loses its national character, (an event which every true patriot should desire,) and the determination of her people will stand as the law and the fact for the youthful State.

So strong, Mr. President, is my conviction of the viciousness of the principle of submitting to a direct vote of the people the propriety of the enactment or rejection of laws, that for one I am prepared to extend the same objection to a submission of entire constitutions to the same tribunal. I know that others entertain different views, and particularly under the peculiar circumstances which existed in Kansas after the convention had concluded its labors. Our patriotic President, anxious for the quiet and peace of the country—desirous of allaying all excitement in relation to the affairs of Kansas—prompt to take away even the shadow of an excuse from the rebellious bands then hatching treason in the Territory—was favorable to the expediency of the submission of the constitution to a direct vote of the people, though at all times clear in his own mind as to the right of the convention to determine that matter for itself. Believing, however, as I do, that constitutions are but laws, and that the enactment of one requires as complete an exercise of sovereign power as the framing of the other, there must be an extraordinary combination of circumstances, in any case, to make me relinquish the convictions which I have carefully formed on this subject.

Independently of other objections to the submission of entire constitutions directly to the people, how can an intelligent vote be given by those who attempt it? If a constitution consists of fifty articles, and thirty of them accord with a person's convictions, and twenty are more or less obnoxious, what is his vote at best, under such circumstances, but a compromise? How can you have intelligent voting when fifty diverse and unconnected propositions are to be determined by one ballot? Nay, more: it is very easy to conceive such a thing as a probable result, that, although each and every article, if submited one by one, would receive a majority of votes, the whole, when presented together, would by a combination be defeated. It seems to me that even if there were no vital and cardinal objections to such a course, the uncertainty and unsatisfactoriness attending it would be formidable obstacles in the way of its adoption.

If, however, the dignity and importance of a constitution rise superior to mere legislative enactments, I ask if there is anything in the history of the country—anything in the practice of the founders of our constitutions, State and federal, which teaches us that it is necessary that even so solemn an instrument should be submitted to a direct vote of the people? What question could be superior in dignity or importance to that of the adoption or rejection of the federal Constitution? States were called on to surrender a portion of their sovereign powers, and to give in some cases to the general government the power of life and death over their own citizens. There were peculiar reasons, too, in addition to all this, which might have been urged as an excuse for the submission of the Federal Constitution to the people. The path pursued by its framers had been untrodden before. All other federations had been failures. In Kansas, on the other hand, the constitution is almost a stereotype of those of the new States of the northwest, which have sprung into power and strength within the history of a few years. In nine-tenths of its provisions it is similar to those which have been approved by actual and successful

working. Notwithstanding this material difference in the two cases, in no instance was the question of the adoption or rejection of the Federal Constitution submitted to a direct vote of the people of any of the thirteen States. And yet it was adopted by the people. The instrument itself says so. Every word of that immortal document, from preamble to conclusion, was carefully scrutinized, and its force weighed by men who well understood the force of language. Nothing was put in by mistake or left there by inadvertence.

They meant what they said. They said, not only in words in the preamble, but in substance in the body of that instrument, that in the system which they then inaugurated for the perpetuation of freedom and the securing of domestic tranquillity in the new world, the acts of the representatives of the people should be deemed the acts of the people themselves; and that, at least, as far as national relations were concerned, the people should express their convictions *only* through representation. If there be one grand cardinal idea more than another stamped upon the Constitution, it is that. So decidedly is that the case, that the Constitution allows no amendment by popular vote, but specifically requires that all change shall be acted on by the legislatures of the States. In those days, at least, the opinion prevailed without any contradiction, that when a constitution or other instrument was adopted by representatives specially selected to consider the subject, it was adopted not only by the people who voted for those representatives, but by every one who had an opportunity to vote for them. The opinion entertained at that day, so far as I can learn, has never been questioned by any respectable authority, until anti-slavery agitation, for its own purposes, brought about the state of affairs now existing in Kansas. Even during that other period of anti-slavery agitation, when Missouri applied for admission into the Union as a State—when the restriction was imposed whose removal I favored in the Kansas-Nebraska act—it was not contended either that a constitution framed by representatives legally authorized to act was not the act of the people of Missouri; or that it was necessary or proper to submit the proposed constitution to a direct vote of the people. It was reserved for later days, for those of our own time, to start into being this new theory. If it be, as its friends and admirers claim for it, a vital principle, why has it slumbered so long without having been recognized even in debate?

Mr. President, it has always seemed to me that those who concede the legality of the Lecompton constitution and acknowledge the force of the Kansas-Nebraska act, surrender the whole argument. To reject an act framed by a convention which had the authority to pass it in that form, is unquestionable intervention. It is the setting up of our will against that of the people affected, as expressed by a lawful and competent body. It is saying to Kansas that our convictions shall prevail against hers, although the latter have been announced in due form of law.

It will not do at this late day, after a struggle which convulsed the country from centre to circumference, to say that the Kansas and Nebraska act was not an enabling statute, but only amounted to an uthority to petition for redress of grievances. The people of Kansas,

or any portion of them, or any recognized body, legal or illegal, would have had such a right independent of the Kansas act. Whatever may be our view of present questions, let us at least hold on to what we have gained in the past in its full integrity. The Kansas and Nebraska act meant more than a mere authority to petition for redress of grievances. It had a far deeper significance and import. It gave form and life to the Territories, but left them, after their organization, perfectly free to regulate their own domestic affairs, through their own legally constituted governing authority, subject only to the Constitution of the United States. If that means a bare authority to be heard in the form of a petition, truly was the victory which we thought would bring peace to the country barren and fruitless. I adopt no such opinion. No such construction was given to it in discussion. That act contained two great ideas which at the time received my cordial approbation, and are no less dear to me now; they are, first, non-intervention, and, secondly, acquiescence in the action of the legally constituted territorial governing authority, subject to the provisions of the Federal Constitution. To them will I hold so long as they stand in plain, unmistakeable language, unrepealed, upon the statute book, let whosoever may desert them or impair their force by fanciful interpretations.

I have said, Mr. President, that there was no obligation resting upon the convention to submit any portion of the constitution to a direct vote of the people. The convention, however, moved by considerations of expediency, submitted what acting governor Stanton called "the great distracting question" to the people of the Territory. There was no dispute of any moment save on the question of slavery. That Kansas should be constituted into a State; that it should be republican in form, with the usual division of legislative, executive and judicial departments, all were agreed. The Lecompton convention, acting upon this idea, submitted the only vexed question, and the friends of Topeka, true to their former course of faction, refused to vote. They had proclaimed, before the constitution was framed, that it was their purpose to reject it, no matter what provisions it contained. Although accounting themselves the especial champions of freedom, they suffered the slavery clause to be incorporated in the constitution, rather than vote for the remainder of a constitution which has been the subject of but little complaint. In plain words, they refused to vote because it was made by a set of delegates duly elected under authority of law, instead of being made by another, elected in defiance of it. They ended in faction what they had begun in rebellion. By no act of mine will I give aid, comfort or countenance to any such movements.

If it be alleged that the "free-State party," as it termed itself, received pledges that the entire constitution should be submitted to the people, I answer, in the first place, that they were unworthy recipients of any such, if made; and, secondly, that no one had any authority to make such save the convention itself; and if made, were extra-official and void.

Even if I had been inclined to look with favor upon the policy of the submission of constitutions to a direct vote of the people, and

believed, further, that the wishes of a large majority of the people of Kansas had been disregarded in the formation of the Lecomption constitution, still I should not have been prepared to vote against accepting it. The present aspect of the slavery question demands that merely abstract opinions should be sacrificed to the welfare of the whole country. It seems to have been the constant and unceasing effort of a certain party in this country to foment strife, and array one section against another. Throughout the whole of my political life I have been in firm and decided opposition to that party, and I expect to remain so until its close. I look upon this constant agitation of the question of slavery as dangerous to the continuance of the Union. It has already, within my own recollection, weakened the bonds of fraternal regard between north and south. I consider it to be the first duty I owe to my country to use every effort in removing from the arena of national politics this disturbing cause. To that end nothing can be more acceptable to me than to transfer all the difficulties of Kansas from this floor to the proper forum of their adjustment, within the limits of that Territory. No matter what had been my personal convictions on the abstract matters which have been the subjects of debate during the latter part of the session, I should joyfully have welcomed any proposition whose object was to localize within comparatively narrow limits what has been a cause of irritation to the *whole country*. Such, I understand, is also the position of the great party with whom it has ever been my pride to act, and of the distinguished statesman now the Chief Executive of the Union. The present is not the first occasion in which the democratic party has stood in oposition to agitation or faction. Heretofore it has always been successful. I trust the same fortune awaits it again. No matter how fierce may have been the contests which it has waged, it has always returned from the field of victory increased in power. What it has lost by defection it has more than gained in permanent strength. The history of the country is the illustration of its triumphs. To the almost total exclusion of all other parties it has impressed itself upon the legislation of the country. Its pen has written your statutes. No law which it has pressed but has been adopted; none that it opposed, but has been defeated or repealed. Apostates, inflamed by disappointments, have turned in new-born hate against it, and have rended *themselves*. It has flung defiance to insult from abroad, and has stood the champion of the Constitution at home. It has added untrodden millions of acres to your domain, and has made the flag of the Union honored on every sea. To the fortunes and progress of that noble party I intend to adhere. If it be overtaken by defeat, I know that it will rise again with greater ability to fulfill the mission which I believe Providence has intrusted to its hands. That mission will never be one of alienation, discord, or faction. It will be one of peace, of union, of progress.

To me it is a subject of congratulation that, in the present crisis, we have in the executive chair a patriot whose firmness and courage have been often tried. He belongs not to that class of men whom excitement unnerves. Clamor has no terrors for him. In the present case he has calmly surveyed the whole field. He has taken his posi-

tion and entrenched himself there. He has viewed the question before us in all its bearings, present and future, and has decided in favor *of no section*. He has recommended a course which, if adopted, will prove a measure of peace to the whole country. His counsel is eminently wise and proper. He has brought to the examination of this matter a practical and sagacious mind, thoroughly familiar with all the facts of the case. He has announced to us with great clearness what are his convictions. I trust they will receive the consideration to which they are entitled, both from their intrinsic value and the distinguished source from which they come. In that event, we may again congratulate ourselves and the country that another cause of agitation has been removed from the halls of Congress.